

1 WILDE & ASSOCIATES

2 Gregory L. Wilde, Esq.

3 Nevada Bar No. 004417

4 212 South Jones Boulevard

5 Las Vegas, Nevada 89107

6 Telephone: 702 258-8200

7 Fax: 702 258-8787

8 and

9 MARK S. BOSCO, ESQ.

10 Arizona Bar No. 010167

11 TIFFANY & BOSCO, P.A.

12 2525 East Camelback Road, Suite 300

13 Phoenix, Arizona 85016

14 Telephone: (602) 255-6000

15 US Bank National Association, as Trustee for Home Equity Pass- Through Certificates Series

16 HEAT 2006-5

17 10-70555

18 **UNITED STATES BANKRUPTCY COURT**  
19 **SOUTHERN DISTRICT OF NEVADA**

20 In Re:

09-18092-mkn

21 Sixto Vargas and Ludilma Angelica Vargas

MS Motion No. 40

Order No. 60

Chapter 13

22 Debtors

23 **DECLARATION RE BREACH OF CONDITION**

24 STATE OF SC )

25 )ss.

26 COUNTY OF York )

I, LeeAnn Anderson declare and state:

1. As to the following facts, I know them to be true of my personal knowledge, and if called upon to testify in this action, I could and would testify competently thereto.

2. I am an employee of Wells Fargo Bank, servicing agent for US Bank National Association, as Trustee for Home Equity Pass- Through Certificates Series HEAT 2006-5, Secured Creditor herein, and am most familiar with the loan and the ongoing bankruptcy case.

3. The real property subject to the Trust Deed is commonly described as 4325 Newcastle Rd , Las Vegas, NV 89103 and legally described as follows:

All that parcel of land in Clark County, State of Nevada, as more fully described in Deed Book 20031223148, ID# 163-23-211-002, being known and designated as Lot 14 Block 10 of LAURELWOOD SPRING VALLEY UNIT #4, as shown by Map thereof on file in Book 18, of Plats, page 33, in the office of the County Recorder of Clark County, Nevada.

By fee simple deed from Alfonso L. Ribera, a single man as set forth in Deed Book 20031223, 148 Dated 12/02/2003 and recorded 12/23/2003, Clark County Records, State of Nevada.

4. I have examined the document entitled "Order Regarding Adequate Protection", which was filed with the Court on June 1, 2010. I am representing my personal knowledge as to whether the Debtors have complied with the requirements of said Order.

5. Pursuant to the aforementioned Order, the Debtors would have fifteen (15) days from the date of this Declaration in which to cure the delinquencies due. If upon the 16<sup>th</sup>) day, Debtors has failed to so cure those delinquencies, the automatic Stay Order would be vacated and extinguished as to this Secured Creditor.

6. As of the date of this Declaration, the Debtors have not made the payments as required by the aforementioned Order. The Debtors are presently past due as follows:

1 Monthly Payments(s) at \$1,678.95	\$1,678.95
(June 1, 2010 - August 1, 2010)	
1 Late Charge(s) at \$71.89	\$71.89
(June 1, 2010 - August 1, 2010)	
3 Adequate Protection Charge(s) at \$1,095.34	\$3,286.02
(June 1, 2010 - August 20, 2010)	
Attorneys Fees	\$50.00
Total	\$5,086.86

7. Debtors are responsible for the subsequent payments that will come due during this Breach period pursuant to the Adequate Protection Order

**PARTIAL TENDERS WILL NOT BE ACCEPTED**

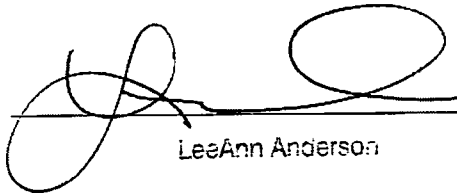
8. Due to Debtors' failure to timely and properly comply with the Order as set forth hereinabove, Secured Creditor has been forced to incur additionally attorneys' fees to obtain relief from the Stay Order to take possession of its real property.

9. These attorneys' fees are in addition to attorneys' fees incurred prior to the non-compliance and are now owing to Secured Creditor from Debtors pursuant to the Trust Deed.

10. Should the Debtor cure the default, the Debtors must forward the funds to:


**GREGORY L. WILDE, ESQ.**  
**WILDE & ASSOCIATES**  
**212 South Jones Boulevard**  
**Las Vegas, Nevada 89107**

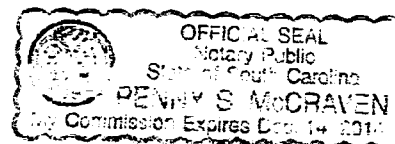
I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
LeeAnn Anderson

VP Loan Documentation

SUBSCRIBED and SWORN to before me  
this 1 day of Sept, 2010

  
\_\_\_\_\_  
Notary Public in and for said  
State and County



1 WILDE & ASSOCIATES  
2 Gregory L. Wilde, Esq.  
3 Nevada Bar No. 004417  
4 212 South Jones Boulevard  
5 Las Vegas, Nevada 89107  
6 Telephone: 702 258-8200  
7 Fax: 702 258-8787

8 and

9 MARK S. BOSCO, ESQ.  
10 Arizona Bar No. 010167  
11 TIFFANY & BOSCO, P.A.  
12 2525 East Camelback Road, Suite 300  
13 Phoenix, Arizona 85016  
14 Telephone (602) 255-6000

15 US Bank National Association, as Trustee for Home Equity Pass- Through Certificates Series  
16 HEAT 2006-5  
17 10-70555

18 UNITED STATES BANKRUPTCY COURT  
19 SOUTHERN DISTRICT OF NEVADA

20 In Re:

09-18092-mkn

21 Sixto Vargas and Ludilma Angelica Vargas

MS Motion No. 40  
Order No. 60

Chapter 13

22 Debtors.

23 **CERTIFICATE OF MAILING OF**  
24 **DECLARATION RE BREACH OF CONDITION**

25 1. On 9/9/10 I served the following document(s):

26 DECLARATION RE BREACH OF CONDITION

2. I served the above-named document(s) by the following means to the persons as listed below:

1  
2 **X a. ECF System**

3 David M. Crosby  
4 info@crosby.lvcoxmail.com  
5 Attorney for Debtors

6 Rick A. Yarnall  
7 ecfmail@lasvegas13.com  
8 Trustee

9 **X b. United States mail, postage fully prepaid:**

10 Sixto Vargas and Ludilma Angelica Vargas  
11 4325 Newcastle Road  
12 Las Vegas, NV 89103  
13 Debtors

14 ☐ **c. Personal Service (List persons and addresses. Attach additional paper if necessary)**

15 I personally delivered the document(s) to the persons at these addresses:

16 ☐ 1. For a party represented by an attorney, delivery was made by handing the  
17 document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge  
18 by leaving the document(s) in a conspicuous place in the office.

19 N/A

20 ☐ 2. For a party, delivery was made by handing the document(s) to the party or  
21 by leaving the document(s) at the person's dwelling house or usual place of abode with someone  
22 of suitable age and discretion residing there.

23 N/A

24 ☐ **d. By direct mail (as opposed to through the ECF System)**

25 *(List persons and email addresses. Attach additional paper if necessary)*

26 Based upon the written assignment of the parties to accept service by email or a court order. I  
caused the document(s) to be sent to the persons at the mail addresses listed below. I did not  
receive, within a reasonable time after the transmission, any electronic message or other  
indication that the transmission was unsuccessful.

1 ☐ e. By fax transmission *(List persons and fax numbers. Attach additional paper if necessary)*

2 Based upon the written assignment of the parties to accept service by fax transmission or  
3 a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error  
4 was reported by the fax machine that I used. A copy of the record of the fax transmission is  
5 attached.

6  
7 ☐ f. By messenger *(List persons and addresses. Attach additional paper if necessary)*

8  
9 I served the document(s) by placing them in an envelope or package addressed to the  
10 persons at the addresses listed below and providing them to a messenger for service.  
11 *( A declaration by the messenger must be attached to this Certificate of Service).*

12  
13 I declare under penalty of perjury that the foregoing is true and correct.

14  
15 Signed on : 9/9/10

16 A handwritten signature in black ink, appearing to be 'J. J. [unclear]', is written over the signature line.